

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILFREDO RAMOS, JR.,  
Plaintiff,

CIVIL ACTION  
NO. 16-2765

v.

TROOPER JUSTIN M. SUMMA, et al,  
Defendants.

**ORDER**

**AND NOW**, this 22<sup>nd</sup> day of March, 2017, upon review of Defendant's Motion to Dismiss for Failure to State a Claim (Docket No. 11), Plaintiff's response thereto, and Defendant's reply, it is hereby **ORDERED** that Defendant's motion is **DENIED** without prejudice to refile as a motion for summary judgment at the close of discovery.

**BY THE COURT:**

**/s/ Jeffrey L. Schmehl**  
**Jeffrey L. Schmehl, J.**